

AMENDED IN ASSEMBLY APRIL 20, 2006

AMENDED IN ASSEMBLY MARCH 28, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2557

Introduced by Assembly Members Huff and Mountjoy

February 23, 2006

An act to amend Section 17300 of the Vehicle Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 2557, as amended, Huff. Highways: damaged or destroyed memorial signs.

Existing law imposes liability upon a person who willfully or negligently damages a street or highway, or its appurtenances, including, but not limited to, guardrails, signs, traffic signals, snow poles, and similar facilities for the reasonable cost of the repair or replacement of those facilities.

This bill would specify that for a *person who willfully* damaged or destroyed *a* memorial sign placed by the Department of Transportation, the amount of liability is the actual replacement or repair cost, whichever is applicable, or \$1,500, whichever amount is highest.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 17300 of the Vehicle Code is amended to read:

17300. (a) ~~(1)~~—A person who willfully or negligently damages a street or highway, or its appurtenances, including, but not limited to, guardrails, signs, traffic signals, snow poles, and similar facilities, is liable for the reasonable cost of repair or replacement thereof.

~~(2) For a damaged or destroyed~~

(b) A person who willfully damages or destroys a memorial sign placed by the Department of Transportation, including, but not limited to, a sign memorializing a victim under Section 101.10 of the Streets and Highways Code, ~~the liability is liable~~ for that damage or destruction ~~is for~~ the highest of the following amounts:

~~(A)–~~

(1) One thousand five hundred dollars (\$1,500).

~~(B)–~~

(2) The actual repair cost or replacement cost, whichever is applicable.

~~(b)–~~

(c) A person who willfully or negligently causes or permits the contents of a vehicle to be deposited upon a street or highway, or its appurtenances, is liable for the reasonable costs of removing those contents from the street or highway or its appurtenances.

~~(e)–~~

(d) The liability stated in this section also applies to an owner of a vehicle operated with the owner's permission, as provided in Article 2 (commencing with Section 17150), and includes liability for the reasonable cost of necessary safety precautions, including, but not limited to, warning traffic, the removal of debris resulting from accidents, the removal of any materials, or providing detours.

~~(d)–~~

(e) The Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, may present claims for liability under this section, bring actions for recovery thereon, and settle and compromise, in their discretion, claims arising under this section.

1 ~~(e)–~~

2 (f) If the Department of Transportation or a local authority
3 provides services on a highway outside its jurisdiction, at the
4 request of the department or the local authority that has
5 jurisdiction over that highway, the department or the local
6 authority may present a claim for liability for rendering this
7 service under this section, bring actions for recovery thereon,
8 and, in its discretion, settle and compromise the claim.

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